

rigg, Waelde

ew, Bonner,  
by, Dalrymp  
Green, Hal  
non, Locke,  
ilfree, Owing  
, Sherwood,  
ompkins, Tr  
ns.—46.

e table was lo  
solution as f  
ded to the  
louse with  
ided, that no

amendment  
lect a Chapl  
he usual com

lered the pr  
option or re  
and the res

e, passing th  
mittee, mag

Nov. 6th, 18

tee appoint  
leave to  
have num  
have also pre  
; and respec  
ce under th

ion:  
es elect a  
l to the usual

by striking

is, moved  
ort of Mr.

# RULES OF THE HOUSE

AND

## JOINT RULES OF BOTH HOUSES

OF THE

## SIXTH LEGISLATURE OF TEXAS,

CONVENED NOVEMBER 5, 1855.

AUSTIN:

PRINTED AT THE STATE GAZETTE OFFICE.  
1855.



## REPORT OF COMMITTEE.

---

The committee on Rules, through their Chairman, J. W. DANCY, recommended the following resolution:

*Resolved*, That the Rules of the House of Representatives as amended, be adopted, and that two hundred copies be printed for the use of the House—which was adopted.

## RULES OF THE HOUSE.

---

### The Duty of the Speaker.

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned; call the members to order and direct the Clerk to call over the names of the members: On the appearance of a quorum, he shall have the journal of the preceding day read.

2. He shall preserve order and decorum: may speak to points of order in preference to other members, rising from his seat to do so; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

3. When a motion is regularly made which places a question fairly before the House, the Speaker shall distinctly put it in this form, to wit: "As many as are of the opinion that (as the case or question may be) say Aye;" and after the affirmative is expressed, "As many as are of the contrary opinion, say No." If the Speaker should doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4. The Speaker shall examine and correct the journal before it is read; he shall have a general direction of the Hall; he shall have a right to name any person to perform the duties of the Chair, and in case of sickness or inability of the Speaker to discharge the duties of his office, the House shall be called to order by the Chief Clerk, who shall direct an election to be held for Speaker *pro tem.*, who shall preside during the absence of the Speaker.

5. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if, upon such ballot, the member or members required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to further ballot or ballots.

451129

6. In all cases of election, or when the yeas and nays shall be taken by the House, the Speaker shall vote; in other cases he shall not vote unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

7. All acts, addresses and joint resolutions shall be signed by the speaker; and all writs, warrants and subpoenas, issued by order of the House, shall be under his hand and attested by the Clerk.

8. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker or the Chairman of the Committee of the whole House, shall have power to order the same to be cleared.

9. Stenographers and reporters wishing to take down the proceedings, may be admitted by the Speaker, who shall assign such places to them on the floor, or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

#### Order of Business.

10. As soon as the journal is read, the Speaker shall call for petitions. The petitions having been presented, received and read, shall be disposed of as follows:

- 1st—By motion to reject.
- 2d—To lay on the table.
- 3d—To postpone to a day certain.
- 4th—To commit.
- 5th—To postpone indefinitely.

The order of commitment shall be:

- 1st—A Standing Committee.
- 2d—The Committee of the Whole House.
- 3d—A Select Committee.

Then reports—first, from the Standing and then from select committees, shall be called for and disposed of.

Then bills and resolutions shall be in order.

11. After petitions, reports from committees and bills and resolutions are gone through, the unfinished business in which the House was engaged at its last proceeding adjournment, if any there be, shall be disposed of—then, it shall be in order to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table and to the orders of the day, which being decided in the affirmative, the Speaker shall dispose of:

- 1st—Simple resolutions.
- 2d—Messages and Executive communications.
- 3d—Messages from the Senate and Senate amendments.
- 4th—Bills on their third reading.
- 5th—Bills on first and second reading.

12. After the business on the Speaker's table has been reached, no new business shall be introduced without leave of the House.

13. The orders of the day shall always have precedence when the hour for considering the same has arrived.

### Reports.

14. When a committee reports to the House a bill referred to them, and recommend its passage without amendment, the report, when submitted to the House, shall be read, and together with the bill, shall then be placed in its order on the Speaker's table; if amendments or substitutes for the entire original bills are proposed by the committee, they shall be read as being a part of the report, and with the bill in their proper place, come up in order for their adoption.

15. When a bill originates with a committee, their report shall be read (including the bill,) which bill shall be marked by the Clerk as being read first time. When the committee on Enrolled or Engrossed Bills report, the question shall be on the *acceptance* of the report only; the reports of said committee shall be in order at any time.

16. Where a committee report the indefinite postponement of a bill or anything which may require a vote of the House, the report shall be read and placed in its order on the Speaker's table. All reports of committees shall be copied in or appended to the journals.

### Bills and Resolutions.

17. Every bill shall receive three several readings in the House previous to its passage. All bills shall be acted upon in their order, unless the House shall direct otherwise; but no bill shall be twice read on the same day, without the suspension of the rule by a majority of four-fifths of the House. The yeas and nays shall be taken upon bills which require a vote of two-thirds to pass them upon their third and final reading.

18. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be "Shall the bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

19. Upon the second reading of a bill, the Speaker shall state it as ready for commitment, amendment or engrossment.

20. No amendment shall be received at the third reading of a bill, without the consent of two-thirds of the House, but a bill may be re-committed by a majority vote, and should the com-

mittee report an amendment, the bill shall be considered as on its second reading.

21. When the vote is taken to engross, and is negatived, it amounts to a rejection of the bill.

22. When a bill has passed its third and final reading, the same shall be certified by the Clerk, noting the day of its passage at the foot thereof, but he shall not certify to the passage of any bill after the adjournment of the House *sine die*.

### Resolutions.

23. Joint Resolutions shall take the same course prescribed for Bills. A simple resolution may be introduced at any time, by leave, and acted upon at the pleasure of the House. A resolution requesting information from the Governor of the State, or directing it to be furnished by the Heads of either of the Executive Departments, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House, and all such resolutions shall be taken up for consideration, in the order they were presented immediately after reports are called for from Select committees, and when adopted, the Clerk shall cause the same to be delivered.

24. When the reading of a Resolution or any paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

### Amendments.

25. When a committee reports a substitute or other amendment, the Clerk shall read the same—if no proposition be then made to amend, the question shall be on concurring in the amendment or substitute.

26. An amendment beyond the second degree shall not be entertained.

27. A substitute, when adopted, takes the place of the original, and is subject to amendment.

28. Questions respecting amendments from the Senate, are,

1st—To agree.

2d—To disagree.

3d—Recede.

4th—Insist.

5th—Adhere.

### Questions.

29. Any member may have the question before the House divided, if susceptible of division, into distinct questions, such member submitting his proposition to divide in writing, if required by the Speaker to do so.

30. When a question is postponed indefinitely, it shall not be acted upon again during the same session.

31. It shall require ten members to second a motion for the previous question, which shall be in this form; "Shall the main question be now put?" If a majority of the members present vote in the affirmative, the main question shall then be put. The previous question shall be decided without debate; and until it is decided, it shall preclude all amendments and further debate of the main question.

### Decorum and Debate.

32. When a member is about to speak in debate, or to communicate any matter to the house, he shall rise from his seat, and respectfully address himself to "Mr. Speaker." He shall confine his remarks to the question under debate, and shall avoid personality in his language. When two or more members rise at once to address the House, the Speaker shall name the member who is entitled to the floor.

33. If a member, in debate or otherwise, transgress the Rules of the House, the Speaker shall, or any member may call him to order. The member so called to order, shall immediately take his seat, unless permitted to explain. The House if appealed to, shall decide the appeal; if no appeal is taken, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and if the case requires it, he shall be liable to the censure of the House.

34. No member shall speak more than twice upon the same question, unless by leave of the House; nor more than once until every member, choosing to speak, shall have spoken.

35. If the question pending be lost by the adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall again be permitted to speak without leave of the House.

36. While the Speaker is putting any question, or addressing the House, no one shall walk across or out of the House, or entertain private discourses.

37. While a member is speaking, no one shall pass between him and the Chair.

38. No member shall absent himself from the sittings of the House without leave, unless in case of sickness.

39. A member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of three other committees.

40. No bills, except those of a general nature, shall be taken up out of their regular order, unless by consent of four-fifths of the members present.

41. No member shall look over the clerk's count, while summing up the vote upon any question, and every member so offending shall immediately be declared out of order by the Speaker.

42. Neither smoking within the bar, nor sitting upon tables shall be allowed. And no member shall address the House from any other than his own seat.

#### **Motions.**

43. Every motion shall be reduced to writing, if the Speaker or any member requires it.

When a motion is made and seconded, it shall be stated by the Speaker; or if it is in writing, it shall be handed to the Speaker, and read aloud by the Clerk before debate.

44. After a motion is stated by the Speaker or read aloud by the Clerk, it shall be considered in the possession of the House; but it may, by leave of the House, be withdrawn at any time before it has been amended or decided.

45. When a question is under debate, no motion shall be received except the following:

1st—To adjourn;

2nd—To reconsider;

3rd—To lay on the table;

4th—The previous Question;

5th—To postpone to a day certain;

6th—To commit;

7th—To amend;

8th—To postpone indefinitely;

which several motions shall have precedence in the order in which they are stated.

46. The same motion to postpone to a day certain, to commit, or to postpone indefinitely, after being decided, shall not be again allowed on the same day and at the same stage of the bill or proposition.

47. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be equivalent to a rejection.

48. When a motion is made to refer any subject, and different committees are proposed, the question shall be taken in the same order as that prescribed for referring petitions in Rule No. 10.

49. A motion or proposition on a subject different from that under consideration, shall not be admitted under color of amendment.



50. Motions may be committed or laid on the table at the pleasure of the House.

51. When a motion has been decided by the House, any member who voted with the majority may move a reconsideration thereof, on the same day or succeeding day; and such motion to reconsider shall have precedence of all other questions or motions, except a motion to adjourn.

52. A motion to lay on the table, or to adjourn, shall be decided without debate; and a motion to adjourn shall be always in order; yet this motion cannot be received after another question is actually put, and while the House is engaged in voting. When a motion to adjourn is made, the question shall be put immediately, and no motion to adjourn for a longer, or shorter time, shall be received until the first is decided, or withdrawn.

53. On a motion to fill a blank, the largest sum and the longest time shall have precedence.

54. No motion to admit any person whomsoever, in the House, to present a petition, memorial or address, or to hear it read, shall be in order.

55. A motion to strike out, if lost, shall not preclude a motion to amend, or to strike out and insert.

#### Calls of the House.

56. Fifteen members shall be necessary to sustain a call of the House; and upon a call of the House, the names of the members shall be called alphabetically by the Clerk, and the absentees noted; after which, the names of the absentees shall again be called over, and if still absent, excuses are to be heard; the bar of the Hall shall then be closed, and those absentees for whom no sufficient excuse is made, may, by order of the members present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers appointed for that purpose.

57. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether or not such discharge shall be upon payment of fines; and in like manner, whether or not a delinquent member taken into custody by a special messenger, shall defray the expense of such special messenger.

58. Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.

#### Voting.

59. In all cases of ballot, except for candidates, a majority of the votes given shall be necessary to an election; and where

There shall not be such majority on the first ballot, the ballot shall be repeated until a majority is obtained.

60. No member shall vote on any question in the event of which he is immediately and particularly interested; nor shall he vote in any case where he was not present when the question was put, except by leave of the House; and no member who is absent from the House shall be permitted to vote by a Committee.

61. Upon a division and count of the House on any question, no member without the bar shall be counted. Every member who shall be in the House when a question is put shall give his vote, unless the House, for special reasons, shall excuse him.

62. The Yeas and Nays of the members of the House, on any question, shall at the desire of any three members present, be entered on the Journals, if the call is made before the result of a vote shall be announced by the Chair. In taking the Yeas and Nays, the names of the members shall be called alphabetically.

63. In all cases where other than members of the House shall be eligible to an office by the election of the House, there shall be a previous nomination.

#### **Sergeant-at-Arms.**

64. There shall be a Sergeant at Arms elected by the House, whose duty it shall be to attend the House during its session; to execute the commands of the House from time to time, and all process issued by the authority of the House that may be directed to him by the Speaker.

65. The Sergeant at Arms shall be allowed for every arrest, the sum of two dollars; and for each day's custody one dollar, and for travelling expenses for himself or special messenger, twelve and a half cents per mile, for every mile traveled in going and returning.

#### **Committee of the Whole.**

66. It shall be in order throughout the session for the House to resolve itself into a committee of the Whole House.

67. In forming a committee of the Whole House, the Speaker shall leave his chair, and a Chairman to preside in committee shall be appointed by the Speaker.

68. The rules of the House, as far as applicable, shall be observed in Committee of the Whole.

69. Upon Bills committed to a committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the title to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line shall be duly entered by the Clerk on a separate paper, as the same shall

be agreed to by the committee, and so reported to the House; after report, the bill shall again be subject to be debated and read by clauses, before a question to engross it be taken.

### **Suspension and Rescission.**

70. No standing rule or order of the House shall be rescinded or changed, without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by the vote of at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present; Provided, that it shall be in order for the committee on Enrolled and Engrossed bills to report at any time.

### **Two-thirds Vote---On what Questions Required.**

71. A vote of two-thirds of the House shall be required for the final passage of amendments to the Constitution. [Con. Art. 7, Sec. 37.]

Bills making appropriation for private or individual purposes, or for purposes of Internal Improvement. [Con. Art. 7, Sec. 8.]

Bills exempting property from taxation. [Con. Art. 7, Sec. 27.]

Bills creating private corporations. [Con. Art. 7, Sec. 31.]

Bills to revoke or repeal private corporations. [Con. Art. 7, Sec. 31.]

Bills to authorize the State to borrow money. [Con. Art. 7, Sec. 33.]

Bills that have been returned by the Governor with his objections. [Con. Art. 5, Sec. 17.]

Bills to reduce a county to a less area than nine hundred square miles. [Con. Art. 7, Sec. 34.]

An address to the Governor, for the removal of a Judge of the Supreme or District Court. (Con. Art. 4, Sec. 8.)

72. Upon the final passage of all amendments proposed to the Constitution, and of all other questions that require a vote of two-thirds, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the Journal.

### **Pay of Witnesses.**

73. The rules for paying witnesses summoned to appear before the House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of twelve and a half cents each way.

but nothing shall be paid for traveling home, when the witness has been summoned at the place of trial.

74. In all cases not provided for in the foregoing rules, Jefferson's Manual shall govern.

---

## JOINT RULES OF THE TWO HOUSES.

---

### Disagreements between the two Houses.

1. In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a Conference, and appoint a committee for that purpose, and the other House shall appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their chairmen, meet in their conference chamber, and state to each other verbally, or in writing, as either shall chose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2. After each House shall have adhered to their disagreement, a bill or resolution is lost.

3. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

### Communication between the two Houses.

4. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the chair, by the person by whom it may be sent.

5. The same ceremony shall be observed, when a message shall be sent from the House of Representatives to the Senate.

6. Messages shall be sent by such persons as a sense of propriety, in each House, may determine to be proper.

7. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

8. Each House transmits to the other all papers on which any bill or resolution shall be founded.